



# Planning Act 2008

## 2008 CHAPTER 29

### PART 9

#### CHANGES TO EXISTING PLANNING REGIMES

#### CHAPTER 1

##### CHANGES RELATED TO DEVELOPMENT CONSENT REGIME

##### *Blighted land*

#### **176 Blighted land: Scotland**

(1) The Town and Country Planning (Scotland) Act 1997 (c. 8) is amended as follows.

(2) In Schedule 14 (blighted land) after paragraph 16 insert—

“17 (1) This paragraph applies to land which relates to the construction (other than by a gas transporter) of an oil or gas cross-country pipe-line—

- (a) one end of which is in England or Wales, and
- (b) the other end of which is in Scotland,

where one of the following conditions is met.

(2) The conditions are—

- (a) the compulsory acquisition of the land is authorised by an order granting development consent under the Planning Act 2008,
- (b) the land falls within the limits of deviation within which powers of compulsory acquisition conferred by such an order are exercisable,
- (c) an application for such an order seeks authority to compulsorily acquire the land.

*Status: Point in time view as at 01/03/2010.*

*Changes to legislation: Planning Act 2008, Section 176 is up to date with all changes known to be in force on or before 22 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### **Land identified in national policy statements so far as relating to certain pipe-lines**

18 This paragraph applies to land which is in a location identified in a national policy statement as suitable (or potentially suitable) for the construction (other than by a gas transporter) of an oil or gas cross-country pipe-line—

- (a) one end of which is in England or Wales, and
- (b) the other end of which is in Scotland.

#### **Note**

Land ceases to be within this paragraph when the national policy statement—

- (a) ceases to have effect, or
- (b) ceases to identify the land as suitable or potentially suitable for the construction of such a pipe-line.”

(3) In section 100 (scope of Chapter 2 of Part 5) after subsection (5) insert—

“(5A) In the application of subsections (3)(a) and (4) in relation to land to which paragraph 17 or 18 of Schedule 14 applies, references to the Scottish Ministers are to be read as references to the Secretary of State.”

(4) In section 101(1)(b) (notices requiring purchase of blighted land)—

- (a) for “or 15” substitute “, 15 or 17”, and
- (b) after “Schedule 14 and” insert “ (except in the case of land falling within paragraph 17 by virtue of paragraph 17(2)(c)) ”.

(5) In section 102 (counter-notices objecting to blight notices) after subsection (7) insert—

“(7A) An objection may not be made on the ground mentioned in paragraph (b) of subsection (4) in a counter-notice to a blight notice served by virtue of paragraph 18 of Schedule 14.”

(6) After section 116 insert—

#### **“116A Power of Secretary of State to acquire land identified in national policy statements where blight notice served**

Where a blight notice has been served in respect of land falling within paragraph 18 of Schedule 14, the Secretary of State has power to acquire compulsorily any interest in the land in pursuance of the blight notice served by virtue of that paragraph.”

(7) In section 120 (meaning of “the appropriate authority” for purposes of Chapter 2 of Part 5) after subsection (4) insert—

“(5) In relation to land falling within paragraph 18 of Schedule 14, “the appropriate authority” is—

- (a) if the national policy statement identifies a statutory undertaker as an appropriate person to carry out the specified description of development in the location, the statutory undertaker;
- (b) in any other case, the Secretary of State.

(6) If any question arises by virtue of subsection (5)—

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- (a) whether the appropriate authority in relation to any land for the purposes of this Chapter is the Secretary of State or a statutory undertaker; or
- (b) which of two or more statutory undertakers is the appropriate authority in relation to any land for those purposes,
- that question shall be referred to the Secretary of State, whose decision shall be final.
- (7) In subsections (5) and (6) “statutory undertaker” means a person who is, or is deemed to be, a statutory undertaker for the purposes of any provision of Part 10.”
- (8) In section 121 (“appropriate enactment” for purposes of Chapter 2) after subsection (7) insert—
- “(7A) In relation to land falling within paragraph 17 of that Schedule by virtue of paragraph 17(2)(a) or (b), “the appropriate enactment” means the order granting development consent.
- (7B) In relation to land falling within paragraph 17 of that Schedule by virtue of paragraph 17(2)(c), “the appropriate enactment” means an order in the terms of the order applied for.
- (7C) In relation to land falling within paragraph 18 of that Schedule, “the appropriate enactment” means section 116A.”
- (9) In section 122 (general interpretation of Chapter 2 of Part 5)—
- (a) after the definition of “crofter” insert—
- ““cross-country pipe-line” has the meaning given by section 66 of the Pipe-lines Act 1962 (c. 58);
- “gas transporter” has the same meaning as in Part 1 of the Gas Act 1986 (see section 7(1) of that Act);”, and
- (b) after the definition of “hereditament” insert—
- ““national policy statement” has the meaning given by section 5(2) of the Planning Act 2008;”.

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#### **Commencement Information**

- I1** S. 176 in force at 1.3.2010 for S. in so far as not already in force by S.I. 2010/101, art. 5 (with art. 6)
- I2** S. 176(1)-(3)(5)-(9) in force at 6.4.2009 for specified purposes for S. by S.I. 2009/400, art. 4(a)

**Status:**

Point in time view as at 01/03/2010.

**Changes to legislation:**

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